

EU Emergency Travel Document

2018/0186(CNS) - 31/05/2018 - Legislative proposal

PURPOSE: to establish a new European Union emergency travel document (EU ETD) with security features that reflect current practices.

PROPOSED ACT: Council Directive.

ROLE OF THE EUROPEAN PARLIAMENT: the Council adopts the act after consulting the European Parliament but without being obliged to follow its opinion.

BACKGROUND: EU citizens are entitled to seek help from the embassy or consulate of any EU Member State if they need assistance outside the EU, and there is no embassy or consulate from their own Member State to help them (that is, if they are ‘unrepresented’).

Member States must assist unrepresented EU citizens on the same conditions as they assist their own nationals. This right, enshrined in Articles 20(2)(c) and 23 of the Treaty on the Functioning of the European Union (TFEU) and in Article 46 of the Charter of Fundamental Rights of the European Union, is an expression of EU solidarity and one of the practical benefits of being an EU citizen.

[Council Directive \(EU\) 2015/637](#) gives effect to that right by laying down the cooperation and coordination measures necessary to facilitate consular protection for unrepresented citizens of the Union.

One form of assistance provided to unrepresented citizens is the issuance of **emergency travel documents** (ETDs). ETDs are documents issued to citizens when their passports or travel documents have been lost, stolen or destroyed or are temporarily unavailable. In 1996, [Decision 96/409/CFSP](#) introduced a common format emergency travel document (the EU ETD), to be issued by Member States to unrepresented EU citizens in third countries (that is, countries outside the EU).

Lost or stolen passports make up more than 60% of the cases of consular assistance. However, the current emergency travel documents **do not meet modern security standards** and offer little protection against fraud and counterfeit. As a result, some third countries are reluctant to accept them and some Member States have stopped using them for their own citizens.

There is now a need to update the rules of Decision 96/409/CFSP and the format of the EU ETD. Recent changes to EU rules on consular protection are not reflected in Decision 96/409/CFSP, and the EU ETD in its current form is **not adapted to the current global security environment**.

The European Parliament, in its [resolution](#) on the 2017 Citizenship Report, called on the Commission to make a proposal for a new, more secure format for the EU ETD. The Commission Work Programme 2018¹³ includes the review of the proposal for a Council directive to replace the Decision on the establishment of an emergency travel document (REFIT).

IMPACT ASSESSMENT: the impact assessment considered a number of possible policy options. The preferred option being to introduce new legislation establishing an EU ETD with enhanced security features. Member States and the EU would benefit from the increased security features of the new EU ETD. Increased use of the new document has the potential to increase its acceptance by third countries, and the adoption of up-to-date standards for **machine-readability** should result in easier border processing at the borders. A more secure EU ETD format, multilingual and produced at EU-level, can also be a cost-efficient alternative for Member States considering replacing any outdated national ETDs.

CONTENT: this proposed Directive lays down rules on the conditions and procedure for unrepresented citizens in third countries to obtain an EU Emergency Travel Document (EU ETD) and establishes a uniform format for such documents.

It aims to establish the measures necessary to facilitate consular protection for the most frequent type of consular assistance provided to unrepresented citizens, namely the issuance of emergency travel documents. This objective is to be achieved by establishing a standardised procedure of cooperation between the Member States for the issuance of emergency travel documents in a uniform format based on improved security features. This shall allow citizens to exercise their right to consular protection effectively and in a more secure environment.

The main points of the proposal are as follows:

Format: the proposal lays down the uniform format to be used for EU ETDs, consisting of a **uniform form and sticker** and shall contain all the necessary information and meet high technical standards, in particular as regards safeguards against counterfeiting and falsification. The relevant data on the recipient of an EU ETD is printed on the sticker, which is then affixed to the form.

Issuing procedure: where a Member State receives an application for an EU ETD, it shall, within 24 hours, consult the Member State of nationality for the purpose of verifying the nationality of the applicant. The assisting Member State shall provide the Member State of nationality with all relevant information, including: (i) the data on the applicant to be included on the EU ETD sticker; (ii) a facial image of the applicant, to be taken, save in exceptional circumstances, by the authorities of the assisting Member State on the day of the application.

Within 36 hours after receipt of the information, the Member State of nationality shall confirm whether the applicant is its national. In crisis situations, the assisting Member State may issue an EU ETD without prior consultation of the Member State of nationality.

Validity: an EU ETD shall be valid for the period required for completion of the journey for which it is issued. In calculating that period, allowance shall be made for necessary overnight stops and for making travel connections. The period of validity shall include an additional ‘period of grace’ of two days. Save in exceptional circumstances, the validity of an EU ETD shall not exceed 15 calendar days.

Monitoring: Member States shall be obliged to monitor the application of the Directive and to supply information to the Commission on a yearly basis.

Evaluation: no sooner than five years after the date of transposition of this Directive, the Commission shall carry out an evaluation of this Directive and present a report on the main findings, including on the appropriateness of the level of security of personal data.